

Lee Gesmer
02/08/2006 03:40 PM

To: "Mark" <resnicklaw@comcast.net>
cc:
Subject: Re: Problematic Document Sequence

Was my letter to you regarding declassification an email or a hard copy?

The documents Bevington reviewed were only the ones you had asked me to declassify.

I think that it's inappropriate for you to ask, after discovery has closed, for MRO to declassify all of its documents. Rather, I think you should do this on a document-by-document basis. Alternatively, you should have an expert review these documents. Your request reduces the entire attorneys-eyes-only practice to a nullity. However, let me discuss this with MRO and I'll confirm this position.

Lee Gesmer

"Mark" <resnicklaw@comcast.net>



"Mark"
<resnicklaw@comcas
t.net>
02/08/2006 02:45 PM

To: "Lee, Gesmer" <lee.gesmer@gesmer.com>
cc: "Michael C. Fee" <mfee@feelaw.com>
Subject: Problematic Document Sequence

Lee,

Could you send em a copy of the letter you sent ealrier regarding a document sequence in ym request for declassification of the attorneys eyes only documents which did not make sense to you. I have lost the electronic version of your faxed letter on this in our recent systems crash. I will clarify as soon as I receive it.

On a related note, I am unsure from the first part of Bevington's deposition whether the stack of documents you showed him consisted of all the MRO attorneys eyes only documents, or only those which were subject to my request for declassififcation. In light of the subject matter of this deposition and the request that he review these docuemnts to determine what docuemnts evidence use of M2 proprietary information, I request that he be permitted to review all the AEO documents designated by MRO for this purpose. The basis for this request is the possibility that MRO AEO documents other than those that I requested be declassified might contain additional evidence of the misappropriation. I do not think MRO can pursue its current line of questioning in an attempt, as you said at this deposition, to discern all bases for M2's claim on one hand, while depriving M2's designee of access to documents produced by MRO but designated AEO. I suggest we permit Mr. Bevington to look at the entire production as part of his review, so that he can comment on the totality of this evidence. Please avdise at your earliest convenience.

Mark